

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

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CRM-M-51175-2021 (O&M)

Date of decision: 09.03.2022

Gurbhej Singh @ Bheja

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. S. P. S. Sidhu, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 128 dated 03.11.2020, registered under Sections 307, 326, 324, 323, 379-B, 34 and 411 (added later on) of the IPC at Police Station Ghall Khurd, District Ferozepur.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of complainant Mandeep Singh, it is stated that he along with his father Balwinder Singh and cousin Nirmal Singh had gone for a walk. The complainant was talking on his phone and was going some distance ahead of his father and cousin. At about, 7:45 P.M., a motorcycle came at the spot. Co-accused Rachhpal

Singh was driving the said motorcycle and petitioner Gurbhej Singh @ Bheja, armed with Kirch (knife) was sitting on the pillior seat. Thereafter, Rachhpal Singh asked the complainant to give his mobile phone and when the complainant refused to give his mobile phone, both of them alighted from the motorcycle and Rachhpal Singh caught hold of him and petitioner Gurbhej Singh @ Bheja gave Kirch blows to complainant, which hit him on his abdomen, back and head and the complainant fell down. Thereafter, the accused snatched the mobile phone of the complainant and ran away from the spot.

Learned counsel for the petitioner further submits that the petitioner is in judicial custody for the last 01 year, 03 months and 29 days and Mandeep Singh and his father Balwinder Singh, while appearing in Court as PW-1 and PW-2, respectively, have specifically stated that the petitioner and co-accused Rachhpal Singh, who were present in Court, are not the persons, who caused injuries to Mandeep Singh or snatched his mobile phone. They further deposed that the persons, who attacked the complainant, were muffled face and they cannot identify the present petitioner and co-accused Rachhpal Singh as assailants. These witnesses were declared hostile by the public prosecutor as they even denied the statement made to the police naming the petitioner and co-accused as assailants.

Learned State counsel has filed the custody certificate and has not disputed the aforesaid facts.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid facts and circumstances of the case, the instant petition is

allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

09.03.2022
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>